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**OFFICE OF PETITIONS**

DECISION ON PETITION

Richard Mettke  
7921 Panary Court  
Reynoldsburg, OH 43068

In re Application of  
Richard Mettke  
Application No. 09/134,831  
Filed: August 17, 1998  
Attorney Docket No: 6388.005

This is a decision on the renewed petition under 37 CFR 1.137(b), filed December 9, 2003, to revive the above-identified application.

This above-identified application became abandoned for failure to timely file a proper reply to a final Office Action pursuant to 37 CFR §1.113. The final Office Action was mailed on March 12, 2002 and set a three (3) month shortened statutory period for reply. An amendment was submitted on April 24, 2002. In response to the amendment an Advisory Action was mailed on May 15, 2002 indicating the amendment submitted on April 24, 2002 did not place the application in condition for allowance. A second advisory action mailed June 25, 2002 informed petitioner the amendment of May 29, 2002 did not place the application in condition for allowance. A third advisory action was mailed on October 11, 2002 in response to the amendment submitted on September 16, 2002 informing petitioner the amendment did not place the application in condition for allowance.<sup>1</sup> A petition under 37 CFR 1.181 was dismissed on June 5, 2003. Accordingly, this application became abandoned on June 13, 2002. A Notice of Abandonment was mailed on June 9, 2003. A petition under 37 CFR 1.137(a) was dismissed on September 30, 2003. A petition under 37 CFR 1.137(b) was dismissed on November 18, 2003.

This petition is hereby Granted.

**The two-month period for filing an appeal brief in triplicate (accompanied by the fee required by 37 CFR 1.17(c)), runs from the date of this decision.**

This application is being forwarded to Technology Center 2600 for further processing.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 306-0251.

Charlema R. Grant  
Petitions Attorney  
Office of Petitions

<sup>1</sup>It is noted the amendment submitted on September 16, 2002 was untimely. Although petitioner submitted a 4 month request for extension of time along with the amendment, the maximum extendable period for reply expired on September 13, 2002.